



## MEMORANDUM

**TO:** Heritage Markham Committee

**FROM:** Evan Manning, Senior Heritage Planner

**DATE:** February 20, 2024

**SUBJECT:** Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest  
7696 Ninth Line (“Anthony Graham House”)

**FILE:** N/A

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**Property/Building Description:** One-and-a-half storey dwelling constructed c1880 as per MPAC records

**Use:** Residential

**Heritage Status:** Listed on the Markham Register of Property of Cultural Heritage Value or Interest

### **Application/Proposal**

- The City has received a notice of objection to the inclusion of the property municipally known as 7696 Ninth Line (the “Subject Property”) on the Markham Register of Property of Cultural Heritage Value or Interest (the “Heritage Register”).

### **Background**

- The Subject Property is located on the east side of Ninth Line between 14<sup>th</sup> Avenue to the north and Ridgevale Drive to the south;
- The majority of adjacent properties contain contemporary suburban dwellings although there are a number of heritage resources remaining from the hamlet of Box Grove.
- The owner has indicated that there have been substantial alterations to the dwelling (refer to Appendix ‘E’) including:
  - All of the features that could have been considered as having historical or cultural significance were removed in a 1950s renovation, including: the removal of the barrel-style cistern, stone foundation, the back summer kitchen, the concrete chimneys, and the original siding and roofing;
  - None of the original exterior, including siding, windows, doors or the roof remain. The siding on the dwelling is now composed of aluminium, plywood and brick;
  - The footprint of the house was enlarged in the 1960s as the owners constructed an addition at the rear of the dwelling (the exterior of which is composed of brick).

- Major alterations were made to the very frame of the dwelling to incorporate new modern windows;
- The size and location of most, if not all, of the windows and door frames have been altered;
- The blacksmith's shop (a separate outbuilding) was demolished in the 1950s as well;
- The interior was completely remodelled around the same time: the layout of the rooms were reconfigured; the lath and plaster walls were replaced with drywall and fake wood panelling; the original stairwells were moved and are now composed of modern materials; and the rotting floors were torn up and fitted with new joists and flooring.

### **Legislative and Policy Context**

#### *Ontario Heritage Act*

- Section 27 (7) of the *Ontario Heritage Act* (the “Act”) provides a mechanism for an owner to object to the inclusion of their property on a municipal heritage register;
- Section 27 (8) of the Act directs the council of a municipality to consider the notice of objection and make a decision as to whether the property should continue to be included on the heritage register or whether it should be removed. Note that there are no timelines within the Act for Council consideration of the notice of objection;
- Note that “listing” a property as provided for by Section 27 (3) of the Act does not necessarily mean that the property is municipally-considered to be a significant cultural heritage resource, rather it provides a mechanism for the municipality to be alerted of any application to demolish or insensitively alter the on-site structure(s), and provides time for evaluation of the property for potential designation under Part IV of the Act.

#### *City of Markham Official Plan (2014)*

- Chapter 4.5 of the Official Plan (“OP”) contains polices concerning cultural heritage resources. The following are relevant to the request to remove 7696 Ninth Line from the Heritage Register:
- Concerning the identification and recognition of ***cultural heritage resources***, Chapter 4.5.2.4 of the OP states that it is the policy of Council:

*To ensure consistency in the identification and evaluation of **cultural heritage resources** for inclusion in the **Register of Property of Cultural Heritage Value or Interest** and/or for individual property designation, by utilizing the criteria for determining **cultural heritage** value or interest established by provincial regulation under the Ontario Heritage Act and criteria included in Markham's Heritage Resources Evaluation System.*

- Concerning the protection of ***cultural heritage resources***, Chapter 4.5.3.2 of the OP states that it is the policy of Council:

*To give immediate consideration to the designation of any **significant cultural heritage resource** under the Ontario Heritage Act if that resource is threatened with demolition, inappropriate alterations or other potentially adverse impacts.*

### **Staff Comment**

#### *Ontario Regulation 9/06 Evaluation*

- The Subject Property was evaluated using Ontario Regulation 9/06 “Criteria for Determining Cultural Heritage Value or Interest” in accordance with the above-referenced OP policy. This regulation, introduced by the Province in 2006 and revised in 2023, provides a uniform set of criteria for municipalities to use when determining whether a property should be considered a significant cultural heritage resource. As per Provincial direction, a property must now meet a minimum of two (2) of the 9/06 criteria to warrant designation under Part IV of the Act;
- Based on research undertaken by Heritage Section staff (“Staff”) included as Appendix D of this memo, the Subject Property has minimal *design/physical value*, *historical/associative value* and *contextual value* and as such would not appear to meet the minimum number of Ontario Regulation 9/06 criteria required for designation. As noted in the research report, the Subject Property has some historical value, but there is insufficient design value, owing to the substantial modifications made to an already utilitarian structure, and insufficient contextual value, as there are nearby properties that better define the area’s historical character, to satisfy the relevant criteria.

#### *Markham’s Heritage Resources Evaluation System*

- The subject property was evaluated using Markham’s Heritage Resources Evaluation System for the purpose of the this report. It is the opinion of staff that the subject property should be classified under ‘Group 3’;
- This evaluation system, adopted by the City in 1991 to offer more context-specific criteria for the assessment of potential significant cultural heritage resources, has a point-based property classification system consisting of three tiers (Group 1, 2 and 3). It is a complementary evaluation system to Ontario Regulation 9/06 to which it predates.
- The City’s Group 1, 2 and 3 classifications are defined as follows (for a description of the typical guidance associated with each Group, please see Appendix ‘C’ of this memo).
  - **Group 1**  
Those buildings of major significance and importance to the Town and worthy of designation under the Ontario Heritage Act.
  - **Group 2**  
Those buildings of significance and worthy of preservation.
  - **Group 3**  
Those buildings considered noteworthy.
- The City’s Evaluation System guidelines also indicate the following:
  - It should also be noted that the designation or demolition of a building should not be based solely on the results of this rating and classification exercise. There may be exceptions, for example where a building may possess one specific historical attribute of great significance, but otherwise receives a low rating. While the

evaluation criteria and classification system will provide a valid guideline for both staff and Council, the Town (now City) should retain the option to make exceptions when necessary.

### **Suggested Recommendation for Heritage Markham**

THAT Heritage Markham is of the opinion that 7696 Ninth Line is not a significant cultural heritage resource and has no objection to removal of the property from the Markham Register of Property of Cultural Heritage Value or Interest.

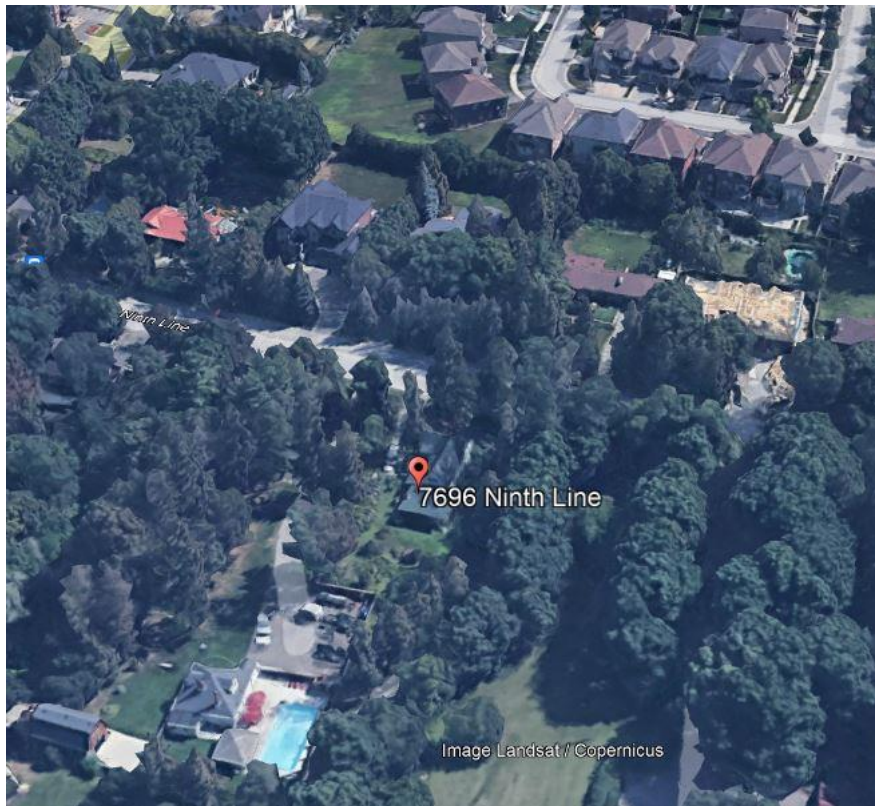
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#### ATTACHMENTS:

Appendix 'A'	Property Map
Appendix 'B'	Photographs of the Subject Property
Appendix 'C'	Markham's Heritage Resources Evaluation System
Appendix 'D'	Research Report for the 7696 Ninth Line
Appendix 'E'	Notice of Objection

## Appendix 'A'

### *Property Map and Aerial Image of the Subject Property*



*The subject property outlined in yellow [above] and an aerial image of the subject property [below] (Source: City of Markham)*

## **Appendix 'B'**

### *Photographs of the Subject Property*



*The east (primary) elevation [above] and the west/south elevations of the on-site dwelling [below] as seen in October 2023 (Source: Applicant)*



*The north elevation of the on-site dwelling as seen in October 2023 (Source: Applicant)*

## **Appendix ‘C’**

### *Markham’s Heritage Resources Evaluation System*

#### **GROUP 1**

- *The designation of the building pursuant to the Ontario Heritage Act will be pursued.*
- *Every attempt must be made to preserve the building on its original site.*
- *Any development proposal affecting such a building must incorporate the identified building.*
- *Appropriate alternative uses for the building will be encouraged when necessary to ensure its preservation.*
- *A Letter of Credit will typically be required to ensure the protection and preservation of the building.*

#### **GROUP 2**

- *The designation of the building pursuant to the Ontario Heritage Act will be encouraged.*
- *The retention of the structure in its existing location is encouraged.*
- *Any developed proposal affecting such a structure should incorporate the identified building.*
- *Appropriate alternative uses for the building will be encouraged when necessary to ensure its preservation.*
- *A Letter of Credit may be required to ensure the protection and preservation of the building.*

#### **GROUP 3**

- *The designation of the building pursuant to the Ontario Heritage Act may be supported with an approved restoration plan, but would not be initiated by the Town.*
- *Retention of the building on the site is supported.*
- *If the building is to be demolished, a photographic record, measured drawings and/or salvage of significant architectural elements may be required.*



## **Appendix ‘D’**

### *Research Report for 7696 Ninth Line*

#### **RESEARCH REPORT**



### **Graham-Osland-Grant House**

**Lot 5 Block A Plan 19**

**7696 Ninth Line, Box Grove**

**c.1880**

**Heritage Section**

**City of Markham Planning & Urban Design**

**2023**

#### **History**

The Graham-Osland-Grant House at 7696 Ninth Line is located on Lot 5, Block A, Plan 19, a plan of village lots laid out by George McPhillips, P.L.S. in 1850 on the lands of Joseph Tomlinson and William E. Beebe. Block A is within the eastern portion of Markham Township Lot 5, Concession 8.

In the mid-nineteenth century, a hamlet of tradesmen and labourers grew up around a cluster of industries located on the banks of the Rouge River, near the crossroads of Fourteenth Avenue and Ninth Line. In the early years, the community was known as Sparta, after the celebrated city-state of ancient Greece. By 1867, the year of Canada’s Confederation, a local post office was opened with the name Box Grove.

The Tomlinson family, along with the Kirkhams, played a prominent role in the establishment of a sawmill, woollen mill and shoddy mill (for recycling old cloth) in the Rouge River valley. These and other industries took advantage of the water power available from the creation of a dam and mill pond in the hollow. In time, modest houses for workers in the numerous local industries were built on village lots subdivided from the Tomlinson and Beebe farms. A general store, two taverns, two blacksmith shops and a cooperage were built to serve the needs of the local residents and the surrounding farm families.

Anthony Graham was an English-born blacksmith that was working in the blacksmith shop at Cedar Grove at the time of the 1871 census. His widowed father, Alexander Graham, lived in the same household and was also a blacksmith. This blacksmith shop is now located on the grounds of the Markham Museum.

In 1880, Anthony Graham purchased a block of land within Markham Township Lot 5, Concession 8 in two parts. He bought two and a half acres from Thomas Ellis, and two acres from John Mapes. The portion purchased from John Mapes included a number of quarter-acre village lots fronting onto Ninth Line, including Lot 5 and several lots to the south.

The McPhillips Plan of 1850 shows the outline of buildings that were standing at the time the plan was created. There was a building (presumably a dwelling) illustrated on Lot 5 with a rectangular plan shape that generally conforms to that of the front section of the existing house at 7696 Ninth Line. It is possible that the ground floor of the front section of the existing dwelling may be the building illustrated on Plan 19, raised to one and a half storeys at a later date. It is also possible that the old house on the property was replaced by a new dwelling by Anthony Graham in 1880. A site visit would be necessary to examine the structure in detail to determine its age.

Anthony Graham was married to Mary Ann (Gibson) Graham, who was also born in England. The family were of the Roman Catholic faith. At the time of the 1881 census, they had four children between the ages of three and eleven: Alexander, Elizabeth, Mary J. and John A. Later, at the time of the 1891 census, Anthony Graham was a widower, age 53. The Graham residence was described in the census records as a one storey frame house containing five rooms. This description differs from the existing one-and-a-half storey form of the house at 7696 Ninth Line. It is possible that second storey was added to this dwellings later in the 1890s, around the time that Anthony Graham re-married. His second wife was named Mary. At the time of the 1901 census, they had two children together, James A., age nine, and Owen G., age 8.

The blacksmith shop (demolished) was located to the west of the Grahams' dwelling. A note at the Markham Museum concerning the memories of Levi DeGeer about various sites in Box Grove says the shop was at the end of the driveway leading to the Murray Dowdell House (7682 Ninth Line). It is not known if the blacksmith shop was on the property at the time of Anthony Graham's purchase. If not, then Graham was the builder of the shop.

Anthony and Mary Graham sold Lot 5 (7696 Ninth Line) to Wesley Osland in 1906 and continued to live on the larger portion of their property, possibly on Lot 9, Block A, Plan 19, in the frame house now addressed 7662 Ninth Line that he acquired in the early twentieth century. There is a gap in the Abstract of Deeds for that property that does not show how it passed from Edward Smith to Anthony Graham. By 1921, Anthony Graham's occupation had changed from "Blacksmith," as it was in 1911, to "Farmer."

Census records from 1911 and 1921 have George Osland, an English-born labourer, as Anthony and Mary Graham's neighbor. His wife was named Annie. The property passed to George Osland's son Charles Osland. In 1944, the administrator of Charles Osland's estate sold to Harry and Elizabeth Brennan. In 1954, Joseph and Martha Grant purchased the property. Based on the style of the large front windows and front door, it seems probable that the house was modernized by the Grant family in the 1950s. The time period of the renovations was recently confirmed as the mid-1950s by members of the Grant family.

### **Architecture**

The Graham-Osland-Grant House is a one-and-a-half storey frame dwelling with a rear-facing L-shaped plan. Exterior cladding is wide horizontal aluminum siding. The front section of the house is rectangular in plan, facing east. A one-and-a-half storey rear wing extends west from the south half of the rear wall. There is an open porch within the north-facing ell formed by the intersection of the front and rear sections of the building. The ground floor is placed a little above grade level, and the foundation material is not readily visible. Information recently provided by the Grant family indicates the original stone foundation was replaced during renovations of the 1950s. A one storey flat-roofed addition in red-brown brick, dating from the 1960s, is located at the western end of the rear wing.

The roof is a steeply-pitched cross gable with projecting, boxed eaves. There is a single-stack exterior chimney centred on the north gable end wall. The red-brown brick of this chimney is similar to that of the one-storey rear addition. There is a small shed-roofed dormer window on the rear slope of the main roof, and a shed-roofed wall dormer on the north slope of the roof of the rear wing.

The house has a three-bay façade. The single-leaf front door, centred on the wall, has a 1950s style slab door with small rectangular lights. On either side of the front door are large three-part picture windows, also characteristic of the 1950s. Door and window frames are simple and narrow, likely contemporary with the application of modern siding to the exterior.

The gable end walls and north and south walls of the rear wing have a variety of styles and sizes of windows. There is picture window on the south wall, simpler in detail and smaller in scale than the picture windows on the front wall. Some of the window openings on the north and side walls are more in keeping with the nineteenth century age of the building, but all contain modern replacement windows.



7696 Ninth Line. West and south side view showing rear wing and 1960s addition.

The side porch has a simple shed roof supported on slender square wooden posts. It does not appear to be very old, but it could occupy the same space as an earlier porch that may have existed in this location. There is a single-leaf door within the side porch, at the east end of the north wall of the rear wing.

The Graham-Osland-Grant House is an altered nineteenth century village dwelling that may have once reflected a vernacular Georgian architectural tradition character in the symmetry of its façade and the simplicity of its design. Unfortunately, there are no historic photographs to illustrate its earlier appearance. The door and flanking windows of the street-facing façade are typical of the 1950s period of its remodeling. The steep pitch of the roof suggests a possible Gothic Revival influence in a general way, but overall it is difficult to place this modest house within any definite stylistic category in its present state.

The research into this building raises a number of questions. The front section occupies the same approximate footprint of a building shown in this location on Plan 19. If it is indeed the same structure, then at least a portion of the existing building pre-dates 1850. The description of the home of the Graham family and those of their immediate neighbours in the 1891 census as one storey is unexpected since the house at 7696 Ninth Line is one-and-a-half storeys in height and appears to have been in this form for a long period of time.

### **Context**

The Graham-Osland House is historically linked to the Tomlinson-Smith House at 7662 Ninth Line, owned by the Graham family from 1880 until 1933.

Several properties in the vicinity have been individually designated under Part IV of The Ontario Heritage Act, including the James Bishop House, c.1890 at 7739 Ninth Line (By-law 2020-67),

the Box Grove Schoolhouse, 1877, at 7651 Ninth Line (By-law 2005-78), and the Tomlinson-Gates House, c.1875, at 7790 Ninth Line (By-law 2016-135).

### **Sources**

Abstract Index of Deeds for Markham Township Lot 5, Concession 8.

Abstract Index of Deeds for Lots 2 - 10, Block A, Plan 19.

Plan 19 (1850).

Markham Township Assessment Rolls: 1880, 1890 and 1900.

Canada Census: 1851, 1861, 1871, 1881, 1891, 1901, 1911 and 1921.

Maps of Markham Township: McPhillips (1853-54), Tremaine (1860), and Historical Atlas of York County, Ontario (1878).

Directories of Markham Township: Nason (1871).

Burkholder, Paul. "Box Grove." *Pioneer Hamlets of York*. Kitchener: Pennsylvania German Folklore Society, 1977. Pages 91-96.

Champion, Isabel (ed.). *Markham 1793-1900*. Markham: Markham Historical Society, Revised Edition, 1989. Pages 287-289.

### **Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest**

*The property has historical or associative value because it has direct associations with a theme, event, person, activity, organization or institution that is significant to a community.*

**The Graham-Osland-Grant House has historical value and associative value representing the theme of urban development, specifically the nineteenth century development of the historic hamlet of Sparta/Box Grove around a cluster of industries at the crossroads of Fourteenth Avenue and Ninth Line.**

**Appendix 'D'**  
*Notice of Objection*



Joe Grant  
[jgrant@llf.ca](mailto:jgrant@llf.ca)  
(705) 742-1674  
Ext 264

October 16, 2023

VIA EMAIL: [kkitteringham@markham.ca](mailto:kkitteringham@markham.ca)

Kimberly Kitteringham  
City Clerk,  
City of Markham  
101 Town Centre Boulevard,  
Markham, Ontario,  
L3R 9W3

**Re: 7696 9TH LINE (Box Grove) Markham, Ontario; Notice of Objection to Listing of Property of Register (Section 27 (3) Ontario Heritage Act)**

Please be advised that we represent the estate of the late Martha Grant, the owner of the property municipally described as 7696 9TH LINE (Box Grove) Markham, Ontario ("Subject Property"). It has very recently come to the attention of the Estate Trustees that the dwelling located on the Subject Property is listed as a property with cultural heritage value or interest pursuant to subsection 27(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18 ("Heritage Act"). The estate objects to the inclusion of the dwelling on the register and requests that the council remove the Subject Property and dwelling located thereon from the register it maintains pursuant to Section 27 of the Heritage Act. The dwelling in question contains little or no historical or cultural value as the exterior and interior of the dwelling has, since the 1950s, been altered to such an extent that none of the original exterior or interior remains. This letter is provided to you pursuant to Subsection 27(7) of the Heritage Act, which provides:

The owner of a property who objects to a property being included in the register under subsection (3) or a predecessor of that subsection shall serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts. 2019, c. 9, Sched. 11, s. 6; 2022, c. 21, Sched. 6, s. 3 (3).

**Pursuant to Subsection 27(8) of the Heritage Act**

If a notice of objection has been served under subsection (7), the council of the municipality shall,

- (a) consider the notice and make a decision as to whether the property should continue to be included in the register or whether it should be removed; and
- (b) provide notice of the council's decision to the owner of the property, in such form as the council considers proper, within 90 days after the decision.

While the original dwelling (along with a blacksmith's shop) may have been constructed in the 1880s, the house in question was completely renovated in the mid-1950s and the shop is long gone. The estate trustees, who are the children of the deceased, have knowledge of the overhaul as they were present when their parents effected the renovations. They wish to draw the following to your and council's attention:

- 1) All of the features that could have been considered having historical or cultural interest were removed in the 1950s renovation, including: the removal of the barrel-style cistern, the stone foundation, the back summer kitchen, the concrete chimneys, and the original siding and roofing;
- 2) None of the original exterior, including siding, windows, door or the roof remain. The siding on the dwelling is now composed of aluminum, plywood and brick;
- 3) The footprint of the house was enlarged in the 1960s as the owners constructed an addition at the rear of the dwelling (the exterior of which is composed of brick).
- 4) Major alterations were made to the very frame of the dwelling to incorporate new modern windows;
- 5) The size and location of most, if not all, of the windows and door frames have been altered;
- 6) The blacksmith's shop (a separate outbuilding) was demolished many in the 1950s as well.

Included with this letter are photographs of the exterior of the dwelling as it currently appears.

In addition to the exterior alterations, the interior was completely remodeled around the same time: the layout of the rooms was reconfigured; the lath and plaster walls were replaced with drywall and fake wood paneling; the original stairwells were moved and are now composed of modern materials; and the rotting floors were torn up and fitted with new joists and flooring.

We appreciate that recent amendments to the Heritage Act are requiring municipalities, including the City of Markham, to consider what listed buildings on its register should receive designated status ahead of January 1, 2025. Given the above, the estate trustees feel that it is highly unlikely that this non-descript house composed of vinyl siding, plywood and brick has any of the features and/or characteristics will receive a heritage designation under the Heritage Act and can and should be removed from the list of non-designated properties included on the Register. The estate trustees, therefore, respectfully request that the municipal council remove this building and property from the list of properties included on the register pursuant to Subsection 27(3) of the Heritage Act.

We look forward to receiving council's decision. Please advise should you have any questions or require any further documentation.

Yours truly,

Joe Grant; 

**LLF LAWYERS LLP**

**c.c. Hutcheson, Regan <rhutcheson@markham.ca>**